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|----------------------|---|------------------------------|
| JAMIE HAWLEY         | § |                              |
| VS.                  | § | CIVIL ACTION NO. 1:09-CV-850 |
| RAY M. MOORE, ET AL. | § |                              |

Plaintiff Jamie Hawley, a prisoner confined at the Ross Correctional Institution in Chillicothe, Ohio, proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against Ray M. Moore, Floyd A. Landrey, and Ethan L. Shaw.

The court ordered that this matter be referred to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge. The magistrate judge recommends denying plaintiff leave to proceed *in forma pauperis*. The magistrate judge also recommends dismissing the action pursuant to 28 U.S.C. § 1915(g), unless plaintiff paid the filing fee within ten days.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record, pleadings and all available evidence. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties. Plaintiff has not paid the filing fee.

O R D E R

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. Plaintiff's motion to proceed *in forma pauperis* is **DENIED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendations.

So **ORDERED** and **SIGNED** this **27** day of **October, 2009**.

A handwritten signature in black ink, appearing to read "Ron Clark", is written above a horizontal line.

Ron Clark, United States District Judge